

the Chairman know of our concern and to enlist his support in our seeking an exemption from HR 12080, and recommend your signature to the attached letter. We will then arrange for hand-carry to Chairman Hampton.

You may wish to consider telephoning the Chairman to let him know that this letter is coming -- assuming you approve and sign the letter -- and orally to enlist his support in doing what he can to help us.

Signed: John F. Blake

John F. Blake



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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

OFFICE OF THE DIRECTOR

E.R. 76-7696

15 MAR 1976

The Honorable Robert E. Hampton
Chairman, U. S. Civil Service Commission
1900 E Street, N. W.
Washington, D. C. 20415

Dear Mr. Chairman:

I would like to share with you my concern about the possible impact of HR 12080 on this Agency's unique responsibilities and on my special authorities as Director of Central Intelligence in the hope that you will support our seeking an exemption for this Agency from the provisions of that legislation.

First, let me assure you that we fully support the merit principle. Although this Agency historically has been exempted from many of those statutes relating to appointment, promotions, separations and related matters, we have developed equivalent procedures and safeguards to assure compliance with the principles of proper, equitable and sound personnel management. In this connection, I refer to your letter of 3 December 1971 to the Director, Office of Management and Budget wherein you stated: "The on-site observations of a Commission team assure us that the operations of the CIA personnel system are consistent with merit principles."

Both the National Security Act of 1947, as amended, and our enabling statute, the Central Intelligence Agency Act of 1949, as amended, impose on the Director of Central Intelligence serious responsibilities for the protection of intelligence sources and methods from unauthorized disclosure. They also provide authorities in the interest of the security of the foreign intelligence activities of the United States which exempt the Agency from many provisions of law.

Moreover, the President, in Executive Order 11905 dated 18 February 1976, clarified and reaffirmed certain responsibilities and authorities governing the Central Intelligence Agency. I invite your attention specifically to Section 3(d)(1)(vii) and Section 7 of that Order, which require that the Director of Central Intelligence ensure that appropriate programs be developed which properly protect intelligence sources, methods and analytical procedures; and also to Section 4(b), which itemizes specific duties and responsibilities of the Central Intelligence Agency, including recruitment, training and other personnel-related functions. My view is that these statutory responsibilities and those specified in Executive Order 11905 are unique and justify the special exemptions and authorities historically granted to the Director. If deemed applicable to this Agency, enactment of HR 12080 would seem to directly conflict with the responsibilities and authorities contained in the National Security Act, the Central Intelligence Agency Act, and the new Executive Order.

As I am sure you can appreciate, the vital mission of the Central Intelligence Agency to provide intelligence bearing on the national security for use at the highest levels of policy determination of the United States Government is a responsibility of the gravest note. As a part of that mission, the Agency is charged with the responsibility of conducting clandestine activities on a worldwide basis. To fulfill those responsibilities requires certain exemptions from normal personnel procedures in order both to avoid potentially damaging disclosure of classified information and normal limitations on the Agency's ability to obtain, retain or terminate personnel. The Agency is unique in that a substantial number of its personnel must serve in a capacity in which they cannot acknowledge employment by the Central Intelligence Agency or the United States Government. Even so, we have established procedures to assure that all personnel are afforded appropriate rights and benefits of Federal employment, yet protect their personal security.

In view of our specific legislation, there arises a question as to whether this Agency would be exempted from the provisions of HR 12080. In order to avoid such question and to make the matter clear, I will request an exemption from the proposed legislation. We have discussed our views

with staff members of the House Post Office and Civil Service Committee. I urge your support of our effort.

Sincerely,

Signed
George Bush
Director

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INITIALSCOMMENTS (Number each comment to show from whom
to whom. Draw a line across column after each comment.)1. Director of Central
Intelligence

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We only recently learned that Representative Henderson, Chairman of the House Post Office and Civil Service Committee, introduced a Bill that would strengthen the role of the Civil Service Commission in connection with significant areas of personnel management. As proposed, the legislation would have dramatic impact on this Agency, which up to this point has been exempted from normal Civil Service rules and regulations. Although we understand that the proposed legislation has a long way to go and difficulty is expected, it is our view that the Agency must now initiate an effort to retain its exemptions from normal Civil Service rules and regulations in the personnel area.

It is hard, for example, for us to visualize how we could man this Agency, especially in the peculiar kinds of personnel needed, as well as to protect our classified information if we are made subject to this Bill.

Hearings start on Wednesday, 17 March, with Chairman Hampton of the Civil Service Commission appearing. We think it is important to let

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